

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAR 29 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. **21-129**

BRIAN ISBELL

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Stephen R. Kaufman, Acting United States Attorney for the Western District of Pennsylvania, and Jeffrey R. Bengel, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

A one-count Information was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Receipt in Interstate Commerce and Delivery of Misbranded Drugs From on or about May 10, 2018 to on or about June 7, 2018	21 U.S.C. §§ 331(c) and 333(a)(1)

II. ELEMENTS OF THE OFFENSE

A. As to Count 1:

In order for the crime of Receipt in Interstate Commerce and Delivery of Misbranded Drugs, in violation of 21 U.S.C. §§ 331(c) and 333(a)(1), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. The defendant received in interstate commerce the drug described in the Information;
 2. The drug was misbranded for one or more of the reasons set forth in the Information; and
 3. The defendant delivered or proffered delivery of such drug, for pay or otherwise.
- 21 U.S.C. §§ 331(c).

III. PENALTIES

A. As to Count One: Receipt in Interstate Commerce and Delivery of Misbranded Drugs (21 U.S.C. §§ 331(c) and 333(a)(1)):

1. A term of imprisonment of not more than one (1) year (21 U.S.C. § 333(a)(1));
2. A fine of not more than \$100,000 (18 U.S.C. § 3571(e));
3. A term of supervised release of not more than one (1) year (18 U.S.C. § 3583)
4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$25.00 must be imposed at each count upon which the defendant is convicted pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

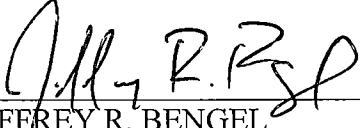
Restitution is not applicable in this case.

VI. FORFEITURE

Forfeiture is not applicable in this case.

Respectfully submitted,

STEPHEN R. KAUFMAN
Acting United States Attorney



JEFFREY R. BENGEL
Assistant U.S. Attorney
DC ID No. 1018621